



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 4 2008

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

USDA Forest Service
Attention: Roadless Area Conservation - Idaho
Mr. Brad Gilbert, Team Leader
P.O. Box 162909
Sacramento, CA 95816-2909

Dear Mr. Gilbert:

Pursuant to our responsibilities under section 309 of the Clean Air Act, and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Forest Service's (FS) Draft Environmental Impact Statement (EIS) for Roadless Area Conservation on National Forest System (NFS) lands in Idaho, and the accompanying proposed rule at 36 CFR Part 294. Our comments are organized to provide an overview of the issues, highlighting areas where EPA has concerns, as well as other information for your consideration as the FS prepares the Final Idaho Roadless Area Conservation EIS and rule.

The draft EIS and proposed rulemaking are in response to the November 2006, Idaho State Petition to the Roadless Area Conservation National Advisory Committee. This rule will provide State specific direction for the conservation and management of inventoried roadless areas within the State of Idaho and replace the management direction under the 2001 Roadless Rule. All Idaho Forest Management Plans (FMPs) must be comply with the rule; FMPs cannot change elements of the rule through plan amendments. This rule takes into account State and local scenarios for protecting roadless areas and the benefits associated with these areas in the Idaho NFS lands while integrating the national interests in maintaining roadless characteristics.

National Forests provide protection to lands where roadless area values are an integral part in the management of healthy, sustainable ecosystems. With 9.3 million acres of roadless area, Idaho leads the contiguous United States in roadless area protection. In 2001 the FS compiled a large and impressive body of information that supports the decision to protect roadless areas and resulted in promulgating the Roadless Area Conservation Rule. The final EIS for the 2001 Rule states that, "lakes, streams and rivers within inventoried roadless areas function as biological strongholds for many fish species, provide clean fresh water to millions of people, and serve as important habitat to numerous fish and wildlife species.

Based on the information presented in the draft EIS and the proposed rule we have identified a number of concerns and questions that should be clarified or otherwise addressed in the final EIS and final rule. Specifically, we have three primary areas of concern:

- 1) The impacts to surface water, ground water and their beneficial uses, from the potential adverse impacts of roads and phosphate mining.
- 2) The lack of specific direction regarding the duration and closure of temporary roads and the potential to exacerbate already significant environmental impacts from a long standing road maintenance backlog.
- 3) The definition of "significant risk" which is adopted from Healthy Forest Restoration Act (HFRA), and its specific goals which concentrate on the reduction of fire risk and whether this definition should be modified for the multiple goals under the 5 themes of this rule.

We are concerned that the proposed rule will reduce the level of protection to surface water, ground water, and aquatic resources, and exacerbate the adverse impacts caused by the current road system on NFS lands. It is accepted that roads often reduce watershed health through habitat loss and degradation, and water quantity, through flow modification and alteration of existing hydrology, and the addition of nutrients, sediment, pathogens, and invasive species. Further, there is a documented correlation between roadless areas and high integrity watersheds.

We believe that the final EIS should include a discussion of how ground water, source water and drinking water supplies within the General Forest and Back Country Idaho Roadless themes will be protected. Of particular concern would be potential contamination such as selenium and radioactive wastes from phosphate mining and processing. The Agency for Toxic Substances and Disease registry (ATSDR) has published an extensive report on the adverse impacts of selenium and the U.S. Geological Society has compiled an extensive library of information related to selenium and phosphate mining, transport and fate as well as remediation technologies at <http://www.rcamnl.wr.usgs.gov/Selenium/Index.htm>.

In recent years, the FS has successfully decommissioned more miles of road than have been constructed. However, there remains an \$8 billion backlog of deferred maintenance on more than 386,000 miles of FS roads nationally. At the same time, the FS is receiving less than 20 percent of the estimated funding needed to maintain its existing road infrastructure. For these reasons, and the ecological significance of Idaho's roadless areas, we recommend that the final EIS provide clear direction on temporary roads, as defined at 36 CFR 212.1 and include specific standards and guidelines on when and to what extent roads should be obliterated consistent with National Forest Management Act. We are concerned that without specific standards and guidelines, road decommissioning will focus on restricting access as opposed to higher levels of obliteration. The proposed rule should fully consider the risks to ecosystems from the construction of new roads, however, temporary, and provide specific direction with regard to when and how temporary roads will ultimately be closed.

Finally, clarification of the terms "significant risk" and "ecosystem components" should be included in the final EIS. Specifically, the final EIS should clarify whether the rule will adopt the definitions from the Healthy Forest Restoration Act (HFRA) Interim Field Guide (USDA/USDI 2004). If that is the intent, it should be recognized that the HFRA was developed to reduce hazardous fuel loading, not to preserve roadless values. Consequently, the definition should be modified to adequately meet this rule's goals which encompass five management themes. In addition, the final EIS should clarify what "ecosystem components" are analyzed to determine significant risk and if they carry equal value.

Based on our review we are assigning a rating to the draft EIS for the proposed rule of Environmental Concerns - Insufficient Information (EC-2). The EC rating is based on the potential for adverse environmental impacts to water quality and aquatic resources and the need for measures to reduce these impacts. The "2" indicates the draft EIS does not contain sufficient information to fully assess the environmental impacts from the proposed action. We appreciate the opportunity to provide comments for your consideration as you proceed with the rulemaking. If I can provide additional explanation of our comments please contact me at 202-564-5400 or Elaine Suriano of my staff at 202-564-7162.

Sincerely,

A handwritten signature in dark ink, appearing to read "Susan E. Bromm", with a stylized flourish at the end.

Susan E. Bromm
Acting Director
Office of Federal Activities